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THREE EPOCHS;

—OR—

POCKET MEMORANDA,

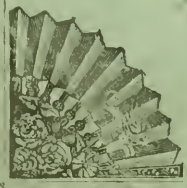
TO AID THE CONGRESS AND THE PRESIDENT

IN ARBITRATING THE RIGHTS

—OF THE—

FLORIDA PARISHES

OF LOUISIANA.



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HISTORICAL SYNOPSIS

OF THE CLAIM OF THE

FLORIDA PARISHES of LOUISIANA

The incorporated authorities of the above described Parishes have petitioned the Legislative and Executive Departments, for the first time, for a restitution of the rights which their ancestors acquired by the capture of the King of Spain's Province of West Florida at Baton Rouge in the year 1810.

A bill in harmony with the averments of the petition, has been introduced by the Hon. E. W. Robertson, of Louisiana, and has been referred to the Committee on Public Lands. It now awaits the consideration and action of that Committee. To aid that Committee in its researches for the bases of this claim, the following memoranda, drawn, as we believe, from the most authentic sources, are respectfully submitted. As the Bill in question embodies the first formal solicitation of those communities for the restitution of their rights of inheritance; and as its intelligent disposal depends upon the interpretation which may be given to a number of leading historical and official events which transpired in many different years. We shall endeavor to submit a chronological synopsis of those leading historical and official events, as concise, as justice to our Claim, and a conscientious desire to impose a minimum tax on your patience, will admit of. Our citations will be circumscribed to the leading events of three epochs in the History of the United States, and to facts antecedent and subsequent relative to those events.

THE FIRST EPOCH—1803.

Recites the transactions of the United States with France in the year 1803 concerning the transfer of Louisiana to the former power. To bring these transactions properly under review, it is manifest we must refer back to the stipulations of the Treaty which was transacted between France and Spain at St. Ildefonso in the year 1800. As we purchased from France in 1803, just

the same property which France purchased from Spain in 1800, knowledge of the stipulations of the French and Spanish Treaty is essential to define the extent of the purchase from France in 1803. As the Treaty of St. Ildefonso was an act of retrocession by Spain to France of certain property assigned to Spain, as a preferred creditor, in 1762 by a secret Treaty at the close of a long war with Great Britain, when France had lost Quebec and all her dominion in Canada, and feared that all her empire in the New World would share the same fate. That Treaty of 1762 although the United States was no party to it, may be an important factor in the formation of a correct judgment in the premises. Just what the United States acquired by purchase from France was a question which bewildered the negotiators of the Treaty of Purchase, is still in doubt, and is likely to remain forever in doubt. Mr. Jefferson, in his annual message of 1804, discloses some of the doubts which clouded the question, in the following paragraph: "I have the satisfaction to inform you, that the objections which had been urged by that Government (Spain) against the validity of our title to the country of Louisiana, have been withdrawn; its exact limits, however, remaining still to be settled between us." France had previous to the assignment to Spain in 1762, asserted an inchoate right to the vast empire laying between the River Sabine on the East and the Rio Grande Del Norte on the West; that inchoate right was claimed as part of the transfer from France in 1803. France had, before the Treaty of Paris of 1763, held proprietorship of all the soil on the East bank of the Mississippi River as far South as the River Iberville, and the rights of that ancient proprietorship which embraced the Spanish Province of West Florida and claimed as part of the purchase from France, have been transferred to Great Britain by the Treaty of Paris of 1763 and confirmed to Spain by Great Britain in the Treaty of 1783. To settle exactly those limits the most accomplished of American diplomatists of that day was commissioned Envoy in 1805 to France and Spain with full power to negotiate in the premises. The facts below we compile from the pages of Mr. Garland's Biography of John Randolph who was Chairman of the Committee of Ways and Means of the session of 1805. As they have never been published through any other channel, they were probably furnished to the Biographer by Mr. Randolph himself.

"On the sixth day of December, 1805, three days after the annual message, Mr. Jefferson sent to Congress a Message *Secret*

and Confidential all propositions in regard to which were discussed in conclave, in which, after reciting the failure of five months of Mr. Monroe's diplomacy, during which Mr. Monroe had obtained no satisfaction from Spain, other than the flat declaration that the United States had acquired no right Eastward of the River Iberville (now Manchac), nor from France any satisfaction other than the statement that France had acquired from Spain no right Eastward of the Iberville, and had meant to deliver none to the United States. After soliciting Congress for an appropriation of two millions of dollars, the President says in conclusion, "The present crisis in Europe is favorable for pressing a settlement, and not a moment should be lost in availing ourselves of it. Should it pass unimproved, our situation would become more difficult. Formal war is not necessary; it is not probable it will follow; but the protection of our citizens, the spirit and honor of our country, require that force should be interposed to a certain degree."

Garland's Life of John Randolph, p.p. 214, 215, vol. 2.

As "the exact limits" failed to become definite and fixed by the diplomatists, we are driven to consult the Historians as the next best oracle. The following extracts from an authentic history shed a ray of light on that involved question:

"On the 10th of April (1803) the Marquis de Casa Calvo having been appointed with Salcedo as Commissioner on the part of Spain for the delivery of Louisiana to France, returned from a visit to Havana and entered upon the duties of his office.

On the 18th of May (1803) Salcedo issued his proclamation announcing the intention of his Catholic Majesty to surrender the Province to the French Republic.

In this proclamation the Governor (Salcedo) recited the limits of Louisiana, as embraced in the contemplated surrender, to include all Louisiana West of the Mississippi, and the Island of New Orleans on the East side, it being the same ceded to Spain by France at the peace of 1763. The settlements on the East side of the Mississippi, between the Bayou Manchac and the thirty-first parallel of latitude, would still pertain to the government of West Florida."

Monette Valley of the Mississippi, vol. 1, p. 555.

Still adhering to a line of demonstration which may illuminate the enigmatical transactions of the first epoch, two other coincidents are adduced out of their chronological order, but as serviceable guides to a correct standard of opinion.

On the 20th day of October, 1795, a Treaty was signed at Madrid between the United States and Spain, the *second* article of which stipulates that the thirty-first parallel of latitude from the Mississippi to the Chattahoochee shall be the future boundary between the United States and the Floridas. The *fourth* article of the same treaty stipulates that the whole width of the Mississippi from its source to the sea, shall be free to the people of the United States.

After the Chief Magistrate had been refused by Congress the two millions he asked to be appropriated, to enable him to extract the festering thorn which was held by Spain in the side of the Republic, dreadfully rankling and irritating to his schemes for founding a continuous empire in the Mississippi Valley. We find him from his retirement under the shades of Monticello urging his absorbing idea upon his successor *in a new light*. "In the event of war with great Britain," he says in a letter of 1809 to Mr. Madison, "YOU MUST TAKE BATON ROUGE OR THEY WILL and thereby cut off New Orleans from the West and the balance of the Union." Jefferson's Correspondence, vol. 4, pp. 131–132. Does not the language imply plainly, "The security of New Orleans demands war with Spain unless the irritating wedge which splits in twain our vast empire in the Valley of the Mississippi, be extracted in the meantime?" The course of events did not flow smoothly and pleasantly through the years of the first epoch, for the great statesman who had presided in chief at the birth of the young giant, for whom he was striving so zealously to found an empire large enough for him to stretch his lusty limbs in. Claiming to the Rio Grande and foiled; claiming to the River Perdido and foiled again! Asking Congress for two million dollars to consolidate an empire wider than half the civilized world and snubbed! What American with a heart can withhold respectful sympathy with the disappointments and defeats of a great statesman who was fighting almost single-handed a losing battle for the grandeur and glory of the country he loved so well? What patriotic heart can refuse its meed of admiration for the indomitable pluck of a statesman, who after the failure of so many expedients, could still devise a new plan to perfect his sagacious schemes.

The Committee is now respectfully solicited to accompany us while we develop the course of events which marked

THE SECOND EPOCH—1810.

In the year 1810, just one year after Mr. Jefferson suggested to his successor an approaching contingency *when he* MUST *take Baton Rouge.* The ancestors of the present claimants, without even a smattering of statesmanlike sagacity, but only in a resentful spirit for seven years of Spanish insolence and oppression, assembled in arms and did *take Baton Rouge!* and out of the capture of that city and the Spanish garrison which defended it, flowed some consequences quite affinitive to the complications of the epoch of 1803. It settled at once and peremptorily all questions either of law or fact, concerning the destination of the King of Spain's Province of West Florida under the interpretations of the Treaty of 1803. The guaranties of that much interpreted Treaty were not invoked by any of the parties to the short, crisp, rattling struggle between the insurgents and their oppressors within the walls of the Fort at Baton Rouge. A capitulation and notice to quit on short time were about the only stipulations of the new Treaty of 1810! As the title to the soil which is asserted in the Bill now before the Committee, is founded on the transactions between the insurgents and the King of Spain's representative within the Fort at Baton Rouge- We may be pardoned if we dwell in a gratulatory mood over events which were pregnant with such a rich endowment for our ancestors and their descendants,—with such *immediate* accessions to the safety, power and glory of the Republic. Our citations, culled from the most authentic records of those events, are made with a view to enable the Committee to determine intelligently the scope and measure of the conquest achieved by our ancestors. They are also offered to demonstrate the extent of the obligations of the Republic, to a small body of citizens, who with halters around their necks did a great work which enabled a renowned General of the Republic to prepare a victorious defence of the rich city of New Orleans, and provide against an invasion of the rich Valley of the Mississippi,—a work, which obviated the necessity of going to war with Spain, and which removed forever the most irritating and rasping thorn that ever rankled in the body of the Republic!

In the Fort at Baton Rouge, the first Grandson of the Republic was born! His sires were a small body of restless, roving adventurers, citizens, who had taken a lively interest in the War of the Revolution and who, though not exactly "the cankers of calm world and a long peace," were ever on the search for new

forests to conquer, and were not much enamored of the humdrum methods of ceremonious civilization. They christened the oldest born of the Republic's children of the second generation—West Florida! And it is to preserve the inheritance transmitted to that heir by his sires, that these claimants are invoking the interposition of Congress and the Chief Magistrate in fixing definite limits to the estate left him by his ancestors. Are his rights to be ascertained by the variable interpretations of the Treaty of 1803? Or do they come through a new contract sealed and signed by Spain in Baton Rouge in 1810? If the prize our ancestors captured at Baton Rouge is claimed to be the property of the United States by virtue of the transfer from France in 1803· In that case we reply that our ancestors picked up an abandoned vessel, without a captain, without a crew, without a flag to denote her nationality; drifting around loose on Spanish waters Eastward of the Iberville where cruisers of the United States were forbidden. They brought the abandoned vessel safely into port, and as salvors they claim the ownership of vessel and cargo. If the prize belonged to the King of Spain, in that case, we set up the same title which was bequeathed by the expiring Hebrew Patriarch to his favorite son, "Moreover I have given to thee one portion above thy brethren, which I took out of the hand of the Amorite with my sword and with my bow."

Genesis, ch. xlviii, v. 22.

If our deductions from the conquest of this domain by our ancestors in 1810 are too grasping, we will submit without a murmur should the Congress see fit to reduce them to harmony with any fair standard of natural right, which comports with the honor of the Republic. There are two transactions, however, of nearly even dates which may shed a flood of light upon questions concerning the scope of the inherited rights we are claiming. The Act admitting Louisiana into the Union, on a footing of equality with the other sovereign States was passed April 1st, 1812. The Act "Enlarging the limits of Louisiana," by which our domain was covered into the public domain of the United States, was passed April 15, 1812. If the last Act leaves untouched and undefined all questions relating to title to the soil, it should be remembered that it was a War Measure adopted just six weeks *preliminary* to the Declaration of War against Great Britain. That may be considered ample explanation of an omission of a body which has always kept the hands of the Republic clean from the stain of territorial robbery. If the

omission has never since been supplied, it is because no formal application for redress has been lodged with the Government by the parties aggrieved by the omission, until the petition was filed, on which the Bill now before the Committee, is founded.

Although the original archives, of such a short lived nationality, are not readily obtainable, even if they exist; there are, nevertheless, some scraps of cotemporary history extant which demonstrate quite lucidly how our ancestors, proceeded step by step to organize and consolidate their trophy of successful revolution. Some of those scraps of cotemporary history are subjoined: –

" They therefore declared themselves absolved from all allegiance to a Government which no longer protected them and declared the Territority ot West Florida a free and independent State.

American State Papers, vol. vii, pp. 482–484.

" A Constitution was adopted, and a form of State Government organized under the name of the "State of Florida," and Fulwar Skipwith was appointed Governor.

" On the 11th of October, 1810, the Convention ordered a formal application through its President, John Rhea, to the Federal authorities of the United States for admission into the Union. This application was transmitted through Governor Holmes of the Mississippi Territory to the Acting Secretary of State for the United States. It expresses the hope and desire that this Commonwealth may be immediately acknowledged and protected as an integral part of the American Union, and requests the most direct and unequivocal assurances of the views and wishes of the American Government without delay, "since our weak and unprotected situation will oblige us to look to some foreign Government for support, should it be refused by the country which we have considered our parent State."

Monette, vol. ii, p. 488.

" In case the United States recognize their claim to protection the Convention in behalf of their constituents, claims immediate admission into the Union as an independent State, or as a Territory of the United States with permission to adopt their own form of government, or to be annexed to one of the adjacent territories, more especially to that of Orleans. They solicit also a loan of one hundred thousand dollars *upon the guarantee of the public lands!* and permission to be governed by their own laws

enacted by the Convention until annexation is consummated."

Monette, vol. ii, p. 489.

In November following, with the Spanish halter tightening in imagination around their necks, they embarked on a wider field of action. "They equipped, under command of Col. Reuben Kemper, an expedition against the Spanish city of Mobile. For the support of which they loaded a keelboat at Baton Rouge, with Western produce and a considerable supply of whiskey. And dispatched the keel boat down Bayou Manchac, the Amite River, through the lakes and the Mississippi Sound to the relief of their little army camped on the shores of Mobile Bay, opposite the city, with no means of reaching it by water.

Pickett's Alabama, vol ii, pp. 237–238.

We are not informed positively, of the precise shape in which the jurisdiction of the United States was extended over the State of Florida; whether it came by Proclamation of President Madison of 1810, accompanied with a promise that their "*essential rights and equitable interests*" should be provided for, or whether it came in the more formal shape of an Act of Congress of April 15, 1812, incorporating the State of Florida with the public domain, unaccompanied by a promise of any kind. It is admitted that the jurisdiction was warmly invoked by our ancestors and was most welcome when it came. They never protested against the jurisdiction, nor do we. The only question which is now for the first time submitted to Congress and the President is, "*in whom is the title to the soil which our ancestors took out of the hands of the Spaniards with their shot-guns and rifles?*."

Before closing our review of the events of the Second Epoch, we think it is appropriate to recite a few of the most immediate and solid advantages which resulted to the Republic from the perilous achievement of our ancestors at Baton Rouge. By instantaneous operation of the Act of Congress of April 15, 1812. A line of navigable waters which afforded facilities to a foreign fleet to blockade New Orleans from above, was placed under the full control of the Republic.

Relieved by the possession of Baton Rouge and its dependencies from that peril, the Republic could venture to declare war against its overbearing and insulting adversary, which it did six weeks after our incorporation into the Union. In the autumn and winter of 1814 General Jackson was enabled to quarter his army and recruit his cavalry on the pastures of our domain within easy communication with the city of New Orleans; and

by building a dyke across the River mouth of the Manchac he not only excluded hostile vessels from the Mississippi, but secured a line of retreat by land for his army in case of disaster before New Orleans. To illustrate the importance of that dyke to the movement of troops, it is only necessary to state the fact that Gen. Coffee received orders to repair to the threatened city, "*and not to sleep until he arrived,*" on the 17th of December, 1814, at Baton Rouge, and on the 19th of December he encamped within fifteen miles of New Orleans with twelve hundred mounted volunteers; In conclusion of our review of the transactions of the epoch of 1810, we beg leave to disclaim any of the guarantees of the much interpreted Treaty of 1803. OUR CHARTER dates from the signature to the capitulation at Baton Rouge forced from the King of Spain, by our bold ancestors, just as the Barons of England forced King John to sign *Magna Charta* at Runnymede! The Charter forced from King John at Runnymede has been held sacred by the British Government for more than six hundred years. Has not the Charter forced by our ancestors from King Ferdinand, at Baton Rouge, an equal claim upon the Government of the United States ?

It should be steadily borne in mind that the conveyance made to us at Baton Rouge in 1810 was a matter rigidly distinct from the transaction of the United States with France in 1803, Our transferor having always persistently denied that the domain transferred was in any manner affected by any of the stipulations of the Treaty of 1803.

Although the records of a Government which has always dealt tenderly and conscientiously with the rights of its weaker neighbors, furnish abundant precedents for the restitution the Claimants are asking for, there is one precedent which besides being the latest is considered the most analogous in its main features to the conditions which environ the equitable adjustment of the matters now submitted for your consideration. To find that analogous (almost synonymous) precedent we must glance at some of the events of the third epoch.

THIRD EPOCH—1846.

We have already seen by a cursory glance at the events of the first and second epocha, that the reverberations of the shot guns and rifles fired by our ancestors at Baton Rouge, did not much startle the ear of a calm and peaceful world. Had its real significance been appreciated, it would have been hailed as the FIRST SIGNAL GUN which announced that the struggle between the Anglo Saxon and the Latin was about to commence in the New World. Had it been scrutinized by the light of coming events, it would have been recognized as the harbinger of San Jacinto, Palo Alto, Resaca de la Palma, Matamoras, Monterey, Buena Vista; of Vera Cruz, Cerro Gordo, Contreras, Chapultepec, Molino del Rey, Mexico.—as the death knell of many a lion-hearted patriot of either race!

The SECOND SIGNAL GUN was fired at San Jacinto by the Anglo Saxon citizens of Texas in 1836! For the next ten years the Texans were engaged in organizing and consolidating the splendid trophy of their conquest over the Spanish race at San Jacinto. From the Sabine to the Rio Grande del Norte all that vast empire, the inchoate right to which France had sold to the United States in 1803, passed under the jurisdiction of the Lone Star State, which sprang full armed into the astonished world at San Jacinto in 1836!

In 1846 the ties of consanguinity began to bring the kindred dwelling East and West of the River Sabine nearer together. "If you come with us," said the more powerful branch of the family, "you shall have full title to the soil of every foot of that territory you wrested from the Mexicans at San Jacinto, that we define to be the scope of your "*equitable interests.*" "In further definition of your *essential rights* you shall be clothed henceforth in the full panoply of citizens of the United States!" We offer this to the Committee as not only a truthful and succinct interpretation of the Treaty of Texan annexation in 1846, but as the *first* and *only authoritative* definition of the terms of Mr. Madison's promise to us.

We do not forget that there is a point of difference in the transactions between Texas and the United States, which is not to be found in the transactions between us and the United States. They shielded their rights under the guarantees of a Treaty—a difference which may seem to casuists who attach more importance to sound than substance, to be an essential missing

link in our case. Texas, after ten years of self government, was a nascent Republic recognized among the Nations ; thoroughly organized with Civil, Military, Naval, Judicial and Diplomatic paraphernalia. The State of Florida, on the other hand, after two years of self-government of a diminutive domain had perfected nothing of all the paraphernalia necessary to dealings with other nations, its efforts at organization had achieved only a satisfactory system of internal government. It was, in fact, but a weak, unfriended, unrecognized and unrepresented nationality. Its poverty, friendlessness, and want of all the paraphernalia essential to the management of affairs with other nations is urged as its strongest claim to the generous and considerate arbitration of Congress and the Chief Magistrate.

Most respectfully submitted by

HENRY SKIPWITH,

Agent and Attorney in Fact of the Florida Parishes.

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